



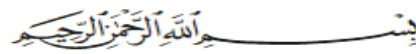
**A M P S A**

ASSOCIATION OF MUSLIM PROFESSIONALS OF SOUTH AFRICA

1st Floor  
579 Felix Dlamini Road  
Durban  
admin@ampsa.org.za

[www.ampsa.org.za](http://www.ampsa.org.za)

13 6th Street  
Parkhurst  
Johannesburg  
admin@ampsa.org.za



10 Safar 1442  
18 September 2021

## **The unlawful refusal to administer medical treatment to the unvaccinated**

In his address of 1 February 2021, President Ramaphosa said:

“But I want to be clear. Nobody will be forced to take this vaccine. I want to repeat. Nobody will be forced to take this vaccine. Nobody will be forbidden to travel to wherever they want to travel to, including from enrolling in school, or in taking part in any public activity, if they have not been vaccinated.”

This statement was made at the time when the President sought the public’s buy-in to the vaccination rollout programme. It appears that this commitment was made as part of a wider strategy to get the foot in the door, with a view to gaining public approval for mass vaccination on the laudable basis that such would be absolutely voluntary.

The scenario has, however, shifted somewhat and the true intentions of government appear to be gradually coming to the fore. Instead of directly imposing mandatory vaccination, the government has subtly and strategically shifted the task to employers and other service providers. In the result, employers now seek to adopt a ‘no vaccine, no work’ policy, while other service providers seek to pursue a ‘no vaccine, no entry’ regime.

The promotion and facilitation of such consequences by government constitute part of a wider strategy to formally shift the issue of culpability from itself to employers and service

providers. It seeks to exonerate itself by disclaiming responsibility for decisions taken by employers and service providers ostensibly on the ground of their internal policies.

The issue does however not end there. *BussinesTech* (6 September 2021) reports that the Western Cape government is looking at a mandatory vaccination policy. In fact, the President's office too has now evinced a turnabout from its originally avowed position as demonstrated by the following report published in the *Daily News* (16 September 2021):

“President Cyril Ramaphosa’s spokesperson Tyrone Seale told the *Daily News* on Wednesday that mandatory vaccination was under consideration for implementation by the government.”

These developments are extremely disconcerting.

Ampsa’s considered view is that no one may be forced, coerced or unduly influenced to take any vaccine against his/her will.

There are senior ulama that hold the view that such vaccines are unlawful and impermissible in terms of the Shariah. Whether one subscribes to such view or not, the sincerely held beliefs of these Ulama and their followers deserve respect and protection. Individuals are entitled to hold their personal beliefs, without conforming to the views of others within the same faith group. Such individual religious beliefs deserve full recognition and protection under section 15 of the Constitution. It follows ineluctably that the imposition of a compulsory vaccination regime will violate the constitutionally entrenched right of such individuals to freedom of religion.

Furthermore, the Constitution guarantees the right to bodily integrity, including the right not to be subjected to medical or scientific experiments without the person’s informed consent. (Section 12(2) of the Constitution).

We have received disturbing reports that some individuals have been refused medical treatment at hospitals on the ground that they are unvaccinated. This has resulted in untold hardship to the affected persons. Such stance on the part of the relevant health facilities is, in our considered view, immoral and illegal. Everyone has a right of access to health care services (section 27(1) of the Constitution). In short, you have the right to medical treatment even though you may have elected not to have the vaccine. You should stand your ground, not be intimidated, and make it explicitly clear that you have elected not to be vaccinated, and may not be discriminated against based on such election.

Medical practitioners within the Muslim community are particularly enjoined not to make an election on whether or not to administer medical treatment to individuals on the ground of their vaccination status. There is no shareeh basis permitting of such an approach. A refusal to administer medical treatment to the unvaccinated would constitute a transgression punishable in the Court of Allah. The transgression would be compounded in

circumstances where the affected patients have conscientiously declined to take the vaccine on the basis of their sincerely held shareeh beliefs.

It is the duty of the community as a whole to stand up to such tyranny and make their voices heard. The Republic of South Africa, notwithstanding it being a constitutional democracy, is beginning to show signs of moving towards a totalitarian police state playing into the interests of foreign agendas.

In order to assist us to draft a formal complaint, those who have had such experiences are requested to provide us with full information. We will seek, within the constraints of our limited capacity, to render assistance in the pursuit of the protection of your rights and freedoms.

You may contact any of the following attorneys affiliated to Ampsa for assistance in this regard:

Yousha Tayob                      082 926 5408

Yusuf Ismail.                      083 708 3413

A.R Kazi                              083 786 9015

Please note that in order for us to render any meaningful assistance, proper and detailed information is vitally necessary.

***Electronically issued by AMPSA SHURA COUNCIL***

***18 September 2021***